IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER (Large Entity)

Application Number: **09/785,438**

Group Art Unit: **2143**

Filed: **February 20, 2001**

Examiner Name: **AVELLINO, J.**

Applicant: **SMITH**

Attorney Docket Number: **20-433**

TITLE: **Individualized Network Information Server**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Transmitted herewith are:

1. Appeal Brief– 36 pages;
2. Check in the amount of $500.00.

Filing Fees	Amount
Fee for filing of Appeal Brief under 37 CFR 41.20(b)(2)	$500.00
Total	$500.00

Enclosed is a check in the amount of **$500.00**. In the event of non-payment or improper payment of a required fee, the Director is authorized to charge or to credit **Deposit Account No. 50-0687 under Order No. 20-433** as required to correct the error.

Respectfully submitted,

(#46,504) for

William H. Bollman
Reg. No.: 36,457
Attorney for Applicant(s)

Date: January 22, 2007
Manelli Denison & Selter PLLC
2000 M Street, NW 7th Floor
Washington, DC 20036-3307
(202) 261-1020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: **09/785,438**
Filed: **February 20, 2001**
Group Art Unit: **2143**
Examiner: **Avellino, Joseph E.**
Attorney Docket No.: **20-433**

In re Patent Application of:
SMITH
Title: **INDIVIDUALIZED NETWORK INFORMATION SERVER**

January 22, 2007

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant submits the following Appeal Brief in accordance with the requirements of 37 C.F.R. § 41.37(c).

(1) REAL PARTY IN INTEREST

The real party in interest is TeleCommunication Systems, Inc.

(2) RELATED APPEALS AND INTERFERENCES

The Applicants and their legal representatives and assignee are not aware of any other appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the appending appeal.

(3) STATUS OF THE CLAIMS

Claims 1-47 are pending in this application. Claims 1-47 stand rejected.

(4) STATUS OF AMENDMENTS

All amendments have been entered by the Examiner. Applicants have not attempted any amendments after the Final Office Action dated August 24, 2006.

(5) SUMMARY OF THE CLAIMED SUBJECT MATTER

A user may today access a particular web site to check weather, stock quotes, etc. A more interested user may repeatedly 'refresh' a browser accessing a web page relating to the weather, stock quotes, etc., manually determining if any change has occurred since they last checked the relevant web page. These more frequent accesses lead to increased traffic in the bandwidth between the sever containing the particular web page and the user's access device (e.g., Email account, mobile device, etc.) Unfortunately, increased traffic leads to poorer performance of the overall system, not to mention lost time of the user in repeatedly refreshing or re-retrieving source data (e.g., a web page) which has not changed from the last time it was accessed.

Applicants' invention addresses a need for an information delivery system which improves efficiency of both the user and the networked system. In particular, Applicants' invention provides for a system and method that rely on an individualized network information delivery system that is implemented as individual threads for individual end-users. The individualized network information delivery system automatically retrieves data for an end-user to eliminate a user having to periodically check for updates to a particular data source.

An individualized network information delivery system, as recited by claim 1, is disclosed as being interposed between at least one data source and a destination device comprising a data source interface module to interface with

the at least one data source at, e.g., item 100. A user object module is disclosed as being implementable as an individual thread to aggregate services for an individual end-user at, e.g., page 10, line 21-page 22, line 14. A data worker module performs a given service for the user object module, the given service comprising automatically selectively retrieving data from the at least one data source is disclosed at, e.g., item 200. A data event destination module adaptively interfaces the selectively retrieved data to the destination device at, e.g., page 8, line 27-29. A data forwarder automatically selectively forwards the data to the destination device at, e.g., item 204. The individualized network information delivery system is disclosed as being an event-driven architecture and the data worker module is adaptively abstract from the data source interface module at, e.g., page 8, lines 13-26; page 9, lines 5-12.

An individualized network information delivery system, as recited by claim 22, interposed between at least one data source and a destination device is disclosed as comprising a user object module implementable as an individual thread to aggregate services for an individual end-user at, e.g., page 10, line 21-page 22, line 14. A data worker module dedicated to an individual user performs a given service for the user object module, the given service comprising automatically selectively retrieving data from the at least one data source at, e.g., item 200. A data destination interface module adaptively interfaces the selectively retrieved data to the destination device at, e.g., page 8, line 27-29. A data forwarder automatically selectively forwards the data to the destination device at, e.g., item 204. The data worker module is disclosed as being adapted to generate an event listener to monitor source data at behest of the individual user and the data worker module is adaptively abstract from the data destination interface module at, e.g., page 8, lines 13-26; page 9, lines 5-12.

A method and apparatus for monitoring an information source, as recited by claims 26 and 31, for an individual user of a network is disclosed as comprising at least one of an event listener and a data worker interposed between a data source and a requesting destination device at, e.g., item 100. The event listener is generated abstract from a requesting destination device of

said individual user, said event listener to monitor a particular data source for an occurrence of a particular event at, e.g., page 8, lines 13-26; page 9, lines 5-12. A user object is generated as an individual thread to aggregate services for an individual end-user at, e.g., page 10, line 21-page 22, line 14. The data worker is generated to perform a given service for the user object module, the given service comprising automatically selectively retrieving data from the particular data source at, e.g., item 200. And, upon an occurrence of the particular event, content obtained from the data source is automatically selectively directed to the requesting destination device at, e.g., page 8, lines 13-21.

A method and apparatus for monitoring an information source, as recited by claims 30 and 35, for an individual user of a network is disclosed as comprising at least one of an event listener and a data worker are generated that are abstract from a requesting destination device of the individual user and interposed between at least one of the information source and the individual user, the event listener monitoring a particular data source at, e.g., item 100; page 8, lines 13-26; page 9, lines 5-12. A user object is generated as an individual thread to aggregate services for an individual end-user at, e.g., page 10, line 21-page 22, line 14. The data worker is generated to perform a given service for the user object module, the given service comprising automatically selectively retrieving data from the particular data source at, e.g., item 200. User selected content obtained from the data source is automatically periodically selectively directed to the requesting destination device at, e.g., page 8, lines 13-15.

An individualized network information delivery system, as recited by claim 36, interposed between at least one data source and a destination device is disclosed as comprising a data source interface module to interface with the at least one data source at, e.g., item 100. A user object module implementable as an individual thread to aggregate services for an individual end-user is disclosed at, e.g., page 10, line 21-page 22, line 14. A data worker module performs a given service for the user object module, the given service comprising automatically selectively retrieving data from the at least one data source at, e.g.,

item 200. A data event destination module adaptively interfaces the selectively retrieved data to the destination device at, e.g., page 8, line 27-29. A data forwarder automatically selectively forwards the data to the destination device at, e.g., item 204.

A method and apparatus for monitoring an information source, as recited by claims 37 and 38, for an individual user of a network is disclosed as comprising interposing an event listener between a data source and a requesting destination device at, e.g., item 100. A user object is generated as an individual thread to aggregate services for an individual end-user, e.g., page 10, line 21-page 22, line 14. A data worker is generated to perform a given service for the user object module, the given service comprising automatically selectively retrieving data from a particular data source at, e.g., item 200. A data director is generated to automatically selectively direct content obtained from the particular data source to the requesting destination device at, e.g., item 204.

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(A) Whether claims 1-5 and 39-47 are obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6,453,339 to Shultz et al. ("Shultz") in view of U.S. Patent No. 6,442,589 to Takahashi et al. ("Takahashi"), in view of U.S. Patent No. 6,389,421 to Hawkins et al. ("Hawkins"), and further in view of U.S. Patent Application Pub. No. 2002/0091789 ("Katariya").

(B) Whether claims 10 and 14 are obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi, and further in view of *A Process for Customized Information Delivery*, IBM ("IBM").

(C) Whether claims 6-9, 19 and 21 are obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi, Hawkins, Katariya, and further in view of U.S. Patent No. 6,029,195 to Herz ("Herz").

(D) Whether claims 11, 12, 15 and 16 are obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi, Hawkins, Katariya and further in view of the definition of XML in The American Heritage Dictionary, Fourth Edition ("XML").

(E) Whether claim 13 is obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi, Hawkins, Katariya, XML and further in view of *An Experimental 4-Mb Flash EEPROM with Sector Erase* to McConnell ("McConnell").

(F) Whether claim 17 is obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi, Hawkins, Katariya, Herz, and further in view of *Request for Comments: 977, Network Working Group* to Kantor ("Kantor").

(G) Whether claim 18 is obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi, Hawkins, Katariya and further in view of *Request for Comments: 2739, Network Working Group* to Small ("Small").

(H) Whether claim 20 is obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi, Hawkins, Katariya and further in view of U.S. Patent No. 6,453,339 to Macera et al. ("Macera").

(I) Whether claim 22 is obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi, Hawkins, Katariya, and further in view of U.S. Patent No. 6,088,717 to Reed et al. ("Reed").

(J) Whether claims 23-25 are obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi, Hawkins, Katariya, Reed, and further in view of *Active Information Delivery in A COBRA-Based Distributed Information System* to von-Bultzingloewen ("von-Bultzingloewen").

(K) Whether claim 26, 30 and 31 are obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi and Hawkins, Katariya and further in view of U.S. Patent No. 6,606,596 to Zirngibl et al. ("Zirngibl").

(L) Whether claim 27 and 32 are obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi, Hawkins, Katariya, Zirngibl, and further in view of U.S. Patent No. 6,477,565 to Daswani et al. ("Daswani").

(M) Whether claims 28, 29 and 33-38 are obvious under 35 U.S.C. §103(a) over Shultz in view of Takahashi, Hawkins and Zirngibl, and further in view of von-Bultzingloewen.

(7) ARGUMENT

(A) Claims 1-5 and 39-47 are not obvious under 35 U.S.C. § 103(a) over Shultz in view of Takahashi, Hawkins and Katariya.

Claims 1-5 and 39-47 recite a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine FOUR references is an indication of the non-obviousness of claims 1-5 and 39-47.

The Office Action dated August 24, 2006 acknowledged that Shultz in view of Takahashi fails to disclose processes implemented as individual threads (see Office Action dated August 24, 2006, page 4). However, it is what the claimed threads are being used for that the Examiner continues to IGNORE. The Examiner relied on Hawkins and Katariya to allegedly make up for the acknowledged deficiencies in Shultz in view of Takahashi. The Applicants respectfully disagrees.

The Examiner alleged in the Office Action dated August 24, 2006 that the motivation to modify Shultz with the disclosure of Hawkins is to further improve time required to retrieve information as taught by Hawkins at col. 4, lines 1-9. However, Hawkins at col. 4, lines 1-9 discloses "Limiting to one watermarking thread per processor can avoid the reduction in overall throughput which may result from multiple processor-intensive threads running simultaneously on a single processor. This is achieved in a preferred embodiment of the invention by means of a control process which only starts one such thread on each processor and which obtains new tasks from the watermarking process input queue only when a previous watermarking operation is complete." Thus, the benefit that Examiner relies on that is allegedly disclosed by Hawkins at col. 4, lines 1-9 is a result of using a plurality of processors **NOT** simply the use of threads. Thus, simply modifying Schultz to use threads would NOT result in improve time required to retrieve information unless Schultz were further modified to implement a plurality of processors. However, Applicants'

claimed features do NOT recite reliance on a plurality of processors, although such features could be implemented with a plurality of processors. Thus, the Examiner has failed to provide motivation why one of ordinary skill in the art would further modify Shultz to implement a plurality of processors that is required to achieve the benefit that is relied on by modifying Shultz with Hawkins. The Examiner has STILL failed to provide motivation why one of ordinary skill in the art would have been motivated to modify Shultz to implement an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 1-5 and 39-47.

Moreover, the Examiner acknowledged that Hawkins' threads are used for watermarking. However, the Examiner alleges that Hawkins' discloses an information retrieval system acting on behalf of a user request that implements requests in threads and executes each thread individually (see Office Action dated August 24, 2006, page 5). However, the Examiner REPEATEDLY ignored what Applicants' claimed features rely on threads for, i.e., to **aggregate** services for an individual user. The Examiner has STILL failed to provide a single reference that discloses or suggests using a thread to **aggregate** services for an individual end-user, as recited by claims 1-5 and 39-47.

Moreover, the Examiner relied on Hawkins' motivation to use a thread on a plurality of processors. However, the Examiner has STILL failed to provide motivation why one skilled in the art would modify Shultz with any type of thread, much less a thread to **aggregate** services for an individual user. Shultz's invention is directed toward providing a content server that provides channels that are created for individual users (see col. 13, lines 2-4). However, Shultz's disclosure is able to perform such functions WITHOUT the use of threads to **aggregate** services for an individual user. Thus, even if Hawkins' thread were used to aggregate services for an individual user, which it is not as discussed above, the Examiner has STILL failed to provide motivation why one skilled in the art would modify Shultz to user threads, much less modify Shultz with a user object module implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 1-5 and 39-47.

The Examiner relied on Katariya to allegedly disclose the acknowledged deficiency in Schultz in view of Takahashi and Hawkins. In particular, the Examiner acknowledged that Schultz in view of Takahashi and Hawkins fails to disclose a user object module implementable as an individual thread to aggregate services for an individual end user and that the recited data worker module performs the service for the user object module (see Office Action dated August 24, 2006, page 6). The Office Action dated August 24, 2006 relied on Katariya to allegedly disclose a web server 145 that the Examiner alleged equates to Applicants' claimed user object, with the Examiner alleges that web servers can be implemented as a single thread to aggregate services for an individual end user (see Office Action dated August 24, 2006, page 6). The Examiner alleged that Katariya disloses a data worker module that performs the service for a user object module allegedly equating to Katariya's disclosure of "clips" that are returned to the web server which then aggregates the data to be presented to the user (see Office Action dated August 24, 2006, page 6). The Applicants respectfully disagree.

Katariya mentions use of a thread within a single paragraph. Katariya discloses at paragraph [0032] "In one particular embodiment, the caching scheme is based on a threading model, such that multiple user threads are allowed. In addition, the caching scheme utilizes an indexing model known in the art as a direct-chained caching model; the cache content has a limited lifetime (record expiration model); the caching scheme is also based on a record access model providing for record protection (locking) when multiple threads add, read, delete and update index entries in parallel; and, the caching scheme utilizes data compression; the cache has very intensive heap memory use."

Thus, Katariya fails to support the Examiner's assertion that web servers can be implemented as a single thread to aggregate services for an individual end user. In fact, implementation of a single thread to perform a server function would defeat the purpose of using threading in the first place. The Applicants requested that the Examiner provide prior art to support the

Examiner's allegation. However, the Examiner IGNORED the Applicants' request.

Moreover, Katariya's uses threading with a "caching scheme". Katariya fails to disclose or suggest using threading for anything related to the disclosed Katariya's "clips", much less use of threads for a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 1-5 and 39-47.

Thus, Shultz modified by Takahashi, Hawkins and Katariya would STILL fail to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 1-5 and 39-47.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Shultz modified by Takahashi, Hawkins and Katariya does not render obvious any of claims 1-5 and 39-47. Thus, the rejection of claims 1-5 and 39-47 under 35 U.S.C. § 103(a) is improper and should be reversed.

(B) Claims 10 and 14 are not obvious under 35 U.S.C. § 103(a) over Shultz in view of Takahashi, Hawkins, Katariya, and IBM.

Claims 10 and 14 recite a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine FIVE references is an indication of the non-obviousness of claims 10 and 14.

As discussed above, Shultz in view of Takahashi, Hawkins and Katariya fails to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 10 and 14.

IBM was relied on to disclose a home PC gathering material from the web and translating the material into an audio format for replay in a car (see Office Action dated August 24, 2006, page 9). However, IBM fails to disclose anything related to an individualized network information delivery system and

anything remotely related to selective retrieval of the information. All IBM discloses is an in-line translation of material for delivery to an end device, to meet the specific requirements or to trigger event restrictions of an end user.

Thus, Shultz modified by Takahashi, Hawkins, Katariya, and further in view of IBM, IBM's invention being a generic text to speech conversion, would STILL fail to disclose or suggest a user object module that is implementable as an individual thread to aggregate services for an individual end-user, as recited by claims 10 and 14.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Shultz modified by Takahashi, Hawkins, Katariya, and further in view of IBM does not render obvious any of claims 10 and 14. Thus, the rejection of claims 10 and 14 under 35 U.S.C. § 103(a) is improper and should be reversed.

(C) Claims 6-9, 19 and 21 are not obvious under 35 U.S.C. § 103(a) over Schultz in view of Takahashi, Hawkins, Katariya and Herz.

Claims 6-9, 19 and 21 recite a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine FIVE references is an indication of the non-obviousness of claims 6-9, 19 and 21.

As discussed above, Shultz in view of Takahashi, Hawkins and Katariya fails to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 6-9, 19 and 21.

Herz was relied on to disclose a query engine adapted to query a database for content (see Office Action dated August 24, 2006, page 10). Depending on a user's interest levels for various topics, the system generates a user-customized rank ordered listing of target objects most likely to be of interest to each user (See Herz, col. 35, lines 56-64). Users' target profile interest summaries can be used to efficiently organize the distribution of information in a

large scale system and network (See Herz, col. 34, lines 33-45). Herz directly interconnects clients and servers (See Figs. 1 and 2).

Herz discloses a system for and method of allowing a user to define criteria that is used to selectively retrieve content from a data source. However, Herz's system and method fails to disclose or suggest use of threads for any purpose related to aggregation, much less disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 6-9, 19 and 21.

Thus, Shultz modified by the disclosure of Takahashi, Hawkins, Katariya and Herz would STILL fail to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 6-9, 19 and 21.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Shultz modified by the disclosure of Takahashi, Hawkins, Katariya and Herz does not render obvious any of claims 6-9, 19 and 21. Thus, the rejection of claims 6-9, 19 and 21 under 35 U.S.C. § 103(a) is improper and should be reversed.

(D) Claims 11, 12, 15 and 16 are not obvious under 35 U.S.C. § 103(a) over Schultz in view of Takahashi, Hawkins, Katariya and XML.

Claims 11, 12, 15 and 16 recite a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine FIVE references is an indication of the non-obviousness of claims 11, 12, 15 and 16.

As discussed above, Shultz in view of Takahashi and Hawkins fails to disclose or suggest an individualized network information delivery system **interposed between** at least one data source and a destination device that implements **user objects** as individual threads, as recited by claims 11, 12, 15 and 16.

The Examiner relied on XML as a metalanguage written in SGML that allows one to design a markup language that facilitates the exchange of data (see Office Action dated August 24, 2006, page 14). Thus, nothing within the definition of and/or the use of XML discloses or suggests using threads for any reason, much less disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 11, 12, 15 and 16.

Thus, Shultz modified by the disclosure of Takahashi, Hawkins, Katariya and the definition of XML would STILL fail to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 11, 12, 15 and 16.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Shultz modified by the disclosure of Takahashi, Hawkins, Katariya and the definition of XML does not render obvious any of claims 11, 12, 15 and 16. Thus, the rejection of claims 11, 12, 15 and 16 under 35 U.S.C. § 103(a) is improper and should be reversed.

(E) Claim 13 is not obvious under 35 U.S.C. § 103(a) over Shultz in view of Takahashi, Hawkins, Katariya, XML and McConnell.

Claim 13 recites a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine FIVE references is an indication of the non-obviousness of claim 13.

As discussed above, Shultz in view of Takahashi, Hawkins, Katariya and XML fails to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claim 13.

McConnell was relied on to disclose memory that may be programmed 1 byte at a time and an experimental EEPROM flashing process on 4-Mbs density flash memories (see Office Action dated August 24, 2006, page

16). Thus, McConnell fails to disclose or suggest any details related to the retrieval and forwarding of information from a data source, much less disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claim 13.

Thus, Shultz modified by Takahashi, Hawkins, Katariya, XML and McConnell would STILL fail to disclose, teach or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claim 13.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Shultz modified by Takahashi, Hawkins, Katariya, XML and McConnell and the definition of XML does not render obvious claim 13. Thus, the rejection of claim 13 under 35 U.S.C. § 103(a) is improper and should be reversed.

(F) Claim 17 is not obvious under 35 U.S.C. § 103(a) over Schultz in view of Takahashi, Hawkins, Katariya, Herz and Kantor.

Claim 17 recites a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine FIVE references is an indication of the non-obviousness of claim 17.

As discussed above, Shultz modified by the disclosure of Takahashi, Hawkins, Katariya and Herz fails to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claim 17.

Kantor was relied on to disclose a Network News Transfer Protocol ("NNTP") to communicate with a news server to transfer articles between servers (see Office Action dated August 24, 2006, page 17). Kantor fails to disclose or suggest any application to the use of threads for aggregation of data. Thus, Schultz modified by the disclosure of Takahashi, Hawkins, Katariya, Herz and Kantor would STILL fail to disclose or suggest a user object module that is

implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claim 17.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Schultz modified by the disclosure of Takahashi, Hawkins, Katariya, Herz and Kantor does not render obvious claim 17. Thus, the rejection of claim 17 under 35 U.S.C. § 103(a) is improper and should be reversed.

(G) Claim 18 is not obvious under 35 U.S.C. § 103(a) over Schultz in view of Takahashi, Hawkins, Katariya and Small.

Claim 18 recites a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine FIVE references is an indication of the non-obviousness of claim 18.

As discussed above, Shultz modified by the disclosure of Takahashi, Hawkins and Katariya fails to disclose or suggest a user object module that is implementable as an individual thread to **aggregate** services for an individual end-user, as recited by claim 18.

Small was relied on to disclose additional data sources (see Office Action dated August 24, 2006, page 18). Thus, Schultz modified by Takahashi, Hawkins, Katariya and the disclosure of Small, even with the ability to search additional data sources, fails to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claim 18.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Schultz modified by Takahashi, Hawkins, Katariya and the disclosure of Small does not render obvious claim 18. Thus, the rejection of claim 18 under 35 U.S.C. § 103(a) is improper and should be reversed.

(H) Claim 20 is not obvious under 35 U.S.C. § 103(a) over Schultz in view of Takahashi, Hawkins, Katariya and Macera.

Claim 20 recites a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine FIVE references is an indication of the non-obviousness of claim 20.

As discussed above, Shultz modified by the disclosure of Takahashi, Hawkins and Katariya fails to disclose or suggest a user object module that is implementable as an individual thread to **aggregate** services for an individual end-user, as recited by claim 20.

Macera was relied on to disclose a system and method to augment the searchable data sources (See Office Action dated August 24, 2006, page 19). Macera discloses a system and method of converting and routing data packets within a data network (See Abstract), not disclosing or suggesting anything related to using threads to aggregate data, much less a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claim 20.

Therefore, Shultz modified with the disclosure of Takahashi, Hawkins, Katariya and Macera would STILL fail to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claim 20.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Shultz modified with the disclosure of Takahashi, Hawkins, Katariya and Macera does not render obvious claim 20. Thus, the rejection of claim 20 under 35 U.S.C. § 103(a) is improper and should be reversed.

(l) Claim 22 is not obvious under 35 U.S.C. § 103(a) over Schultz in view of Takahashi, Hawkins and Reed.

As discussed above, Shultz modified by the disclosure of Takahashi, Hawkins and Katariya fails to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claim 22.

The Applicants respectfully suggest the need to combine FOUR references is an indication of the non-obviousness of claim 20.

Reed was relied on to disclose a communication system that allows a user to receive an e-mail notification from a database agent monitoring the database when a new entry or a certain condition has been made in that database at col. 6, lines 62-66 (see Office Action dated August 24, 2006, page 20). Reed was further relied on to disclose that a data exchange event is initiated either manually by the consumer or automatically at col. 76, lines 8-9 (see Office Action dated August 24, 2006, page 20).

Reed discloses information contained in a provider database that is transferred and used in communications relationships with different consumers (see col. 9, lines 2-4). The association information is used to selectively distribute information and information updates (see Reed, col. 9, lines 6-8). A distribution server collects information from a provider program and a consumer program (see Reed, Fig. 1).

Thus, Reed discloses selective distribution of information between a provider computer, a consumer computer and a distribution server. Reed fails to disclose or suggest anything related to using threads for aggregation, much less disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claim 22.

Therefore, Shultz modified with the disclosure of Takahashi, Hawkins, Katariya and Reed would STILL fail to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claim 22.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Shultz modified with the disclosure of Takahashi, Hawkins, Katariya and Reed does not render obvious claim 22. Thus, the rejection of claim 22 under 35 U.S.C. § 103(a) is improper and should be reversed.

(J) Claim 23-25 are not obvious under 35 U.S.C. § 103(a) over Schultz in view of Takahashi, Hawkins, Katariya, Reed and von-Bultzingloewen.

Claims 23-25 recite a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine SIX references is an indication of the non-obviousness of claims 23-25.

As discussed above, Shultz in view of Takahashi, Hawkins, Katariya and Reed fails to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 23-25.

The Office Action dated August 24, 2006 relied on von-Bultzingloewen to allegedly make up for the deficiencies in Schultz in view of Takahashi, Hawkins, Katariya and Reed. In particular, von-Bultzingloewen is relied on to disclose a process to monitor database value changes upon the detection of a change in three CLIPS rules, detecting a change in content, changed value and comparison of a new value to a limit value to determine if an action should proceed (See Office Action dated August 24, 2006, page 21). Von-Bultzingloewen relies on a single set of criteria for reviewing information for relevancy from a data source that is passed to user (See page 218, second column, lines 5-28).

Thus, von-Bultzingloewen fails to disclose or suggest the use of threads for any purpose, much less disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 23-25.

Therefore, Schultz modified by Takahashi, Hawkins, Katariya, Reed and von-Bultzingloewen would still fail to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 23-25.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Schultz modified by Takahashi, Hawkins, Katariya, Reed and von-Bultzingloewen does not render obvious any of claims 23-25. Thus, the rejection of claims 23-25 under 35 U.S.C. § 103(a) is improper and should be reversed.

(K) Claims 26, 30 and 31 are not obvious under 35 U.S.C. § 103(a) over Shultz in view of Takahashi, Hawkins, Katariya and Zirngibl.

Claims 26, 30 and 31 recite a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine FIVE references is an indication of the non-obviousness of claims 26, 30 and 31.

As discussed above, Shultz in view of Takahashi, Hawkins and Katariya fails to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 26, 30 and 31.

Zirngibl discloses a system and method of creating sound files for a destination device based on user criteria, e.g., a report of the result of a favorite sports team game (See Fig. 3a; col. 5, lines 55-65). Thus, Zirngibl's user specifies a set of criteria for locating and downloading a desired piece of information from a source storing the sound file. Zirngibl fails to disclose or suggest a system and method relying on threads, much less a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 26, 30 and 31.

Thus, Shultz modified by the disclosure of Takahashi, Hawkins, Katariya and Zirngibl fails to disclose or suggest a user object module that is

implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 26, 30 and 31.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Shultz modified by the disclosure of Takahashi, Hawkins, Katariya and Zirngibl does not render obvious any of claims 26, 30 and 31. Thus, the rejection of claims 26, 30 and 31 under 35 U.S.C. § 103(a) is improper and should be reversed.

(L) Claims 27 and 32 are not obvious under 35 U.S.C. § 103(a) over Shultz in view of Takahashi, Hawkins, Katariya, Zirngibl and Daswani.

Claims 27 and 32 recite a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine SIX references is an indication of the non-obviousness of claims 27 and 32.

As discussed above, Shultz in view of Takahashi, Hawkins, Katariya and Zirngibl fails to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 27 and 32.

The Office Action dated August 24, 2006 relied on Daswani to allegedly make up for the deficiencies in Shultz in view of Takahashi and Zirngibl to arrive at the claimed features. The Applicants respectfully disagree.

Daswani discloses a system and method for retrieving and disseminating information records from Internet sources that includes a client device and an intermediary server system (See Abstract). A request for data can include a data result of a site-specific search according to defined parameters, information about departure/arrival parameters and gate instructions, a desire to access only existing incoming mail from a certain individual or individuals (See Daswani, col. 7, lines 17-30).

Thus, Daswani discloses a system and method of allowing a user to selectively retrieve data from a data source according to a user defined

criteria. However, Daswani fails to disclose or suggest the use of threads for any reason, much less disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 27 and 32.

Thus, Shultz modified by Takahashi, Hawkins, Katariya, Zirngibl and Daswani would STILL fail to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 27 and 32.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Shultz modified by Takahashi, Hawkins, Katariya, Zirngibl and Daswani does not render obvious any of claims 27 and 32. Thus, the rejection of claims 27 and 32 under 35 U.S.C. § 103(a) is improper and should be reversed.

(M) Claims 28, 29 and 33-38 are not obvious under 35 U.S.C. § 103(a) over Shultz in view of Takahashi, Hawkins, Katariya, Zirngibl and von-Bultzingloewen.

Claims 28, 29 and 33-38 recite a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user.

The Applicants respectfully suggest the need to combine SIX references is an indication of the non-obviousness of claims 28, 29 and 33-38.

As discussed above, Shultz in view of Takahashi, Hawkins, Katariya and Zirngibl fails to disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 28, 29 and 33-38.

As discussed above, von-Bultzingloewen fails to disclose or **suggest** the use of threads for any reason, much less disclose or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 28, 29 and 33-38.

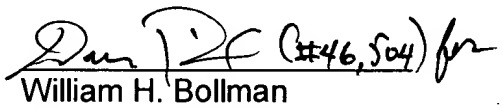
Thus, Shultz in view of Takahashi, Hawkins, Katariya, Zirngibl and von-Bultzingloewen would still fail to disclose, teach or suggest a user object module that is implementable as an individual **thread** to **aggregate** services for an individual end-user, as recited by claims 28, 29 and 33-38.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Shultz in view of Takahashi, Hawkins, Katariya, Zirngibl and von-Bultzingloewen does not render obvious any of claims 28, 29 and 33-38. Thus, the rejection of claims 28, 29 and 33-38 under 35 U.S.C. § 103(a) is improper and should be reversed.

CONCLUSION

For all the reasons set forth above, the rejections of claims 1-47 are improper and should be reversed. The Applicants therefore respectfully request that this Appeal be granted and that the rejections of the claims be reversed.

Respectfully submitted,



William H. Bollman
Reg. No.: 36,457

MANELLI DENISON & SELTER PLLC
2000 M Street, N.W. 7th Floor
Washington D.C. 20036-3307
Tel. (202) 261-1020
Fax. (202) 887-0336
WHB/df

CLAIMS APPENDIX

CLAIMS INVOLVED IN THE APPEAL

1. An individualized network information delivery system interposed between at least one data source and a destination device, comprising:

a data source interface module to interface with said at least one data source;

a user object module implementable as an individual thread to aggregate services for an individual end-user;

a data worker module to perform a given service for said user object module, said given service comprising automatically selectively retrieving data from said at least one data source;

a data event destination module to adaptively interface said selectively retrieved data to said destination device; and

a data forwarder to automatically selectively forward said data to said destination device;

wherein said individualized network information delivery system is adapted to be an event-driven architecture and said data worker module is adaptively abstract from said data source interface module.

2. The individualized network information delivery system according to claim 1, wherein:

said data event destination module interfaces with a short messaging system.

3. The individualized network information delivery system according to claim 1, wherein:

said data worker is abstracted from said data event destination module.

4. The individualized network information delivery system according to claim 1, wherein:

said data worker includes a query engine.

5. The individualized network information delivery system according to claim 4, wherein:

said query engine is adapted to query a web page for content.

6. The individualized network information delivery system according to claim 4, wherein:

said query engine is adapted to query a database for content.

7. The individualized network information delivery system according to claim 6, wherein:

said query utilizes a JDBC protocol.

8. The individualized network information delivery system according to claim 4, wherein:

said query engine is adapted to query an email account.

9. The individualized network information delivery system according to claim 4, wherein:

said query engine is adapted to parse content into a format more convenient for said data worker.

10. The individualized network information delivery system according to claim 1, further comprising:

a formatter module to format content into XML information.

11. The individualized network information delivery system according to claim 1, wherein:

said data event destination module provides XML information to a destination device.

12. The individualized network information delivery system according to claim 1, wherein said data source interface module comprises:

a protocol converter to convert a protocol of said source data into an XML data stream.

13. The individualized network information delivery system according to claim 12, wherein:

said XML data stream is a read by said data event destination module one byte at a time.

14. The individualized network information delivery system according to claim 1, wherein:

data from said at least one data source is in an HTML format data.

15. The individualized network information delivery system according to claim 1, wherein:

data from said at least one data source is an email and said data source interface module is adapted to utilize an IMAP protocol to query an Email account as a source.

16. The individualized network information delivery system according to claim 1, wherein:

data from at least one data source is an XML format document.

17. The individualized network information delivery system according to claim 1, wherein:

a data source to communicate with said data source interface module is a news server and data from said data source is communicated to said data source interface module utilizing an NNTP protocol to query said news server.

18. The individualized network information delivery system according to claim 1, wherein:

said at least one data source is a Vcalendar database.

19. The individualized network information delivery system according to claim 1, wherein:

said at least one data source is a Lotus database.

20. The individualized network information delivery system according to claim 1, wherein:

said at least one data source is an SNMP MIB.

21. The individualized network information delivery system according to claim 1, wherein:

said data source interface module is adapted to present a data source with a stylesheet defined in an extensible Stylesheet Language (XSL).

22. An individualized network information delivery system interposed between at least one data source and a destination device, comprising:

a user object module implementable as an individual thread to aggregate services for an individual end-user;

a data worker module dedicated to an individual user to perform a given service for said user object module, said given service comprising automatically selectively retrieving data from said at least one data source;

a data destination interface module to adaptively interface said selectively retrieved data to said destination device; and

a data forwarder to automatically selectively forward said data to said destination device;

wherein said data worker module is adapted to generate an event listener to monitor source data at behest of said individual user and said data worker module is adaptively abstract from said data destination interface module.

23. The individualized network information delivery system according to claim 22, further comprising:

a data destination filter adaptively interposed between said data worker module and said data destination interface module, said data destination filter adapted to determine a characteristic of content from a particular data source, and adapted to redirect said content from said particular data source to said individual user only if certain criteria within said content has been met.

24. The individualized network information delivery system according to claim 22, wherein:

a characteristic of content is a change in said content.

25. The individualized network information delivery system according to claim 22, wherein:

a characteristic of content is a change in a particular parameter of said content.

26. A method of monitoring an information source for an individual user of a network, comprising:

interposing at least one of an event listener and a data worker between a data source and a requesting destination device;

generating said event listener abstract from a requesting destination device of said individual user, said event listener to monitor a particular data source for an occurrence of a particular event;

generating a user object as an individual thread to aggregate services for an individual end-user;

generating said data worker to perform a given service for said user object module, said given service comprising automatically selectively retrieving data from said particular data source; and

upon an occurrence of said particular event, automatically selectively directing content obtained from said data source to said requesting destination device.

27. The method of monitoring an information source for an individual user of a network according to claim 26, wherein:

said network is a wireless network.

28. The method of monitoring an information source for an individual user of a network according to claim 26, wherein:

said particular event is a change in content from said data source.

29. The method of monitoring an information source for an individual user of a network according to claim 26, wherein:

said particular event is a presence of a particular parameter in said content from said data source.

30. A method of monitoring an information source for an individual user of a network, comprising:

generating at least one of an event listener and a data worker abstract from a requesting destination device of said individual user and interposed between at least one of said information source and said individual user, said event listener monitoring a particular data source;

generating a user object as an individual thread to aggregate services for an individual end-user;

generating said data worker to perform a given service for said user object module, said given service comprising automatically selectively retrieving data from said particular data source; and

automatically periodically selectively directing user selected content obtained from said data source to said requesting destination device.

31. Apparatus for monitoring an information source for an individual user of a network, comprising:

means for generating at least one of an event listener and a data worker abstract from a requesting destination device of said individual user and interposed between at least one of said information source and said individual user, said means for generating said event listener monitoring a particular data source for an occurrence of a particular event;

means for generating a user object as an individual thread to aggregate services for an individual end-user;

means for generating said data worker to perform a given service for said user object module, said given service comprising automatically selectively retrieving data from said particular data source; and

means for automatically selectively directing user selected content obtained from said data source to said requesting destination device upon an occurrence of said particular event.

32. The apparatus for monitoring an information source for an individual user of a network according to claim 31, wherein:

said network is a wireless network.

33. The apparatus for monitoring an information source for an individual user of a network according to claim 31, wherein:

said particular event is a change in content from said data source.

34. The apparatus for monitoring an information source for an individual user of a network according to claim 31, wherein:

said particular event is a presence of a particular parameter in said content from said data source.

35. Apparatus for monitoring an information source for an individual user of a network, comprising:

means for generating at least one of an event listener and a data worker abstract from a requesting destination device of said individual user and interposed between at least one of said information source and said individual user, said means for generating said event listener monitoring a particular data source;

means for generating a user object as an individual thread to aggregate services for an individual end-user;

means for generating said data worker to perform a given service for said user object module, said given service comprising automatically selectively retrieving data from said particular data source; and

means for automatically, selectively and periodically directing user selected content obtained from said data source to said requesting destination device.

36. An individualized network information delivery system interposed between at least one data source and a destination device, comprising:

a data source interface module to interface with said at least one data source;

a user object module implementable as an individual thread to aggregate services for an individual end-user;

a data worker module to perform a given service for said user object module, said given service comprising automatically selectively retrieving data from said at least one data source;

a data event destination module to adaptively interface said selectively retrieved data to said destination device; and

a data forwarder to automatically selectively forward said data to said destination device.

37. A method of monitoring an information source for an individual user of a network, comprising:

interposing an event listener between a data source and ~~said~~ a requesting destination device;

generating a user object as an individual thread to aggregate services for an individual end-user;

generating a data worker to perform a given service for said user object module, said given service comprising automatically selectively retrieving data from a particular data source; and

generating a data director to automatically selectively direct content obtained from said particular data source to said requesting destination device.

38. Apparatus for monitoring an information source for an individual user of a network, comprising:

means for interposing an event listener between a data source and a requesting destination device;

means for generating a user object as an individual thread to aggregate services for an individual end-user;

means for generating a data worker to perform a given service for said user object module, said given service comprising automatically selectively retrieving data from a particular data source; and

means for generating a data director to automatically selectively direct content obtained from said particular data source to said requesting destination device.

39. The individualized network information delivery system according to claim 1, wherein:

said individual threads are implemented as a decentralized approach.

40. The individualized network information delivery system according to claim 22, wherein:

said individual threads are implemented as a decentralized approach.

41. The method of monitoring an information source for an individual user of a network according to claim 26, wherein:

said individual threads are implemented as a decentralized approach.

42. The apparatus for monitoring an information source for an individual user of a network according to claim 30, wherein:

said individual threads are implemented as a decentralized approach.

43. The apparatus for monitoring an information source for an individual user of a network according to claim 31, wherein:

said individual threads are implemented as a decentralized approach.

44. The apparatus for monitoring an information source for an individual user of a network according to claim 35, wherein:

said individual threads are implemented as a decentralized approach.

45. The individualized network information delivery system interposed between at least one data source and a destination device according to claim 36, wherein:

said individual threads are implemented as a decentralized approach.

46. The method of monitoring an information source for an individual user of a network according to claim 37, wherein:

said individual threads are implemented as a decentralized approach.

47. The apparatus for monitoring an information source for an individual user of a network according to claim 38, wherein:

said individual threads are implemented as a decentralized approach.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None